

B1040 (FORM 1040) (12/15)

ADVERSARY PROCEEDING COVER SHEET (Instructions on Reverse)		ADVERSARY PROCEEDING NUMBER (Court Use Only)		
PLAINTIFFS David Pattillo and Claudia Russell	DEFENDANTS Shaun D. Etchegoyen			
ATTORNEYS (Firm Name, Address, and Telephone No.) Thomas J. Polis, Esq., Polis & Associates, APLC 19800 MacArthur Blvd., Suite 1000, Irvine, CA 92612 Tel: (949) 862-0040; Fax: (949) 862-0041	ATTORNEYS (If Known)			
PARTY (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input checked="" type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee	PARTY (Check One Box Only) <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee			
CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED) Determine Dischargeability of Debt Under Sections 523(a)(2); 523(a)(4); and 523(a)(6)				
NATURE OF SUIT (Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)				
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top; border: none;"> FRBP 7001(1) – Recovery of Money/Property <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other FRBP 7001(2) – Validity, Priority or Extent of Lien <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property FRBP 7001(3) – Approval of Sale of Property <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h) FRBP 7001(4) – Objection/Revocation of Discharge <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e) FRBP 7001(5) – Revocation of Confirmation <input type="checkbox"/> 51-Revocation of confirmation FRBP 7001(6) – Dischargeability <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input checked="" type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input checked="" type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny <div style="text-align: center;">(continued next column)</div> </td> <td style="width: 50%; vertical-align: top; border: none;"> FRBP 7001(6) – Dischargeability (continued) <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input checked="" type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other FRBP 7001(7) – Injunctive Relief <input type="checkbox"/> 71-Injunctive relief – imposition of stay <input type="checkbox"/> 72-Injunctive relief – other FRBP 7001(8) Subordination of Claim or Interest <input type="checkbox"/> 81-Subordination of claim or interest FRBP 7001(9) Declaratory Judgment <input type="checkbox"/> 91-Declaratory judgment FRBP 7001(10) Determination of Removed Action <input type="checkbox"/> 01-Determination of removed claim or cause Other <input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa <i>et seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case) </td> </tr> </table>			FRBP 7001(1) – Recovery of Money/Property <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other FRBP 7001(2) – Validity, Priority or Extent of Lien <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property FRBP 7001(3) – Approval of Sale of Property <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h) FRBP 7001(4) – Objection/Revocation of Discharge <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e) FRBP 7001(5) – Revocation of Confirmation <input type="checkbox"/> 51-Revocation of confirmation FRBP 7001(6) – Dischargeability <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input checked="" type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input checked="" type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny <div style="text-align: center;">(continued next column)</div>	FRBP 7001(6) – Dischargeability (continued) <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input checked="" type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other FRBP 7001(7) – Injunctive Relief <input type="checkbox"/> 71-Injunctive relief – imposition of stay <input type="checkbox"/> 72-Injunctive relief – other FRBP 7001(8) Subordination of Claim or Interest <input type="checkbox"/> 81-Subordination of claim or interest FRBP 7001(9) Declaratory Judgment <input type="checkbox"/> 91-Declaratory judgment FRBP 7001(10) Determination of Removed Action <input type="checkbox"/> 01-Determination of removed claim or cause Other <input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa <i>et seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)
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<input type="checkbox"/> Check if this case involves a substantive issue of state law	<input type="checkbox"/> Check if this is asserted to be a class action under FRCP 23			
<input type="checkbox"/> Check if a jury trial is demanded in complaint	Demand \$			
Other Relief Sought				

B1040 (FORM 1040) (12/15)

BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES		
NAME OF DEBTOR Shaun D. Etchegoyen		BANKRUPTCY CASE NO. 8:22-bk-10960-SC
DISTRICT IN WHICH CASE IS PENDING Central District of California	DIVISION OFFICE Santa Ana	NAME OF JUDGE Scott C. Clarkson
RELATED ADVERSARY PROCEEDING (IF ANY)		
PLAINTIFF	DEFENDANT	ADVERSARY PROCEEDING NO.
DISTRICT IN WHICH ADVERSARY IS PENDING	DIVISION OFFICE	NAME OF JUDGE
SIGNATURE OF ATTORNEY (OR PLAINTIFF) /s/ Thomas J. Polis		
DATE September 16, 2022	PRINT NAME OF ATTORNEY (OR PLAINTIFF) Thomas J. Polis, Esq.	

INSTRUCTIONS

The filing of a bankruptcy case creates an “estate” under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor’s discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also must complete and file Form 1040, the Adversary Proceeding Cover Sheet, unless the party files the adversary proceeding electronically through the court’s Case Management/Electronic Case Filing system (CM/ECF). (CM/ECF captures the information on Form 1040 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff’s attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

Plaintiffs and Defendants. Give the names of the plaintiffs and defendants exactly as they appear on the complaint.

Attorneys. Give the names and addresses of the attorneys, if known.

Party. Check the most appropriate box in the first column for the plaintiffs and the second column for the defendants.

Demand. Enter the dollar amount being demanded in the complaint.

Signature. This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address Thomas J. Polis, Esq. (SBN 119326) POLIS & ASSOCIATES, APLC 19800 MacArthur Blvd., Suite 1000 Irvine, CA 92612 Tel: (949) 862-0040 Fax: (949) 862-0041 Email: tom@polis-law.com <i>Attorney for Plaintiff</i> David Pattillo and Claudia Russell	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - SANTA ANA DIVISION	
In re: Shaun D. Etchegoyen, <div style="text-align: right;">Debtor(s).</div>	CASE NO.: 8:22-bk-10930-SC CHAPTER: 7 ADVERSARY NO.:
David Pattillo and Claudia Russell, <div style="text-align: right;">Plaintiff(s)</div> Shaun D. Etchegoyen, Versus <div style="text-align: right;">Defendant(s)</div>	SUMMONS AND NOTICE OF STATUS CONFERENCE IN ADVERSARY PROCEEDING [LBR 7004-1]

TO THE DEFENDANT: A Complaint has been filed by the Plaintiff against you. If you wish to defend against the Complaint, you must file with the court a written pleading in response to the Complaint. You must also serve a copy of your written response on the party shown in the upper left-hand corner of this page. The deadline to file and serve a written response is _____. If you do not timely file and serve the response, the court may enter a judgment by default against you for the relief demanded in the Complaint.

A status conference in the adversary proceeding commenced by the Complaint has been set for:

Hearing Date: _____	Address:
Time: _____	<input type="checkbox"/> 255 East Temple Street, Los Angeles, CA 90012
Courtroom: _____	<input type="checkbox"/> 3420 Twelfth Street, Riverside, CA 92501
	<input checked="" type="checkbox"/> 411 West Fourth Street, Santa Ana, CA 92701
	<input type="checkbox"/> 1415 State Street, Santa Barbara, CA 93101
	<input type="checkbox"/> 21041 Burbank Boulevard, Woodland Hills, CA 91367

This form is mandatory. It has been approved for use in the United States Bankruptcy Court for the Central District of California.

You must comply with LBR 7016-1, which requires you to file a joint status report and to appear at a status conference. All parties must read and comply with the rule, even if you are representing yourself. You must cooperate with the other parties in the case and file a joint status report with the court and serve it on the appropriate parties at least 14 days before a status conference. A court-approved joint status report form is available on the court's website (LBR form F 7016-1.STATUS.REPORT) with an attachment for additional parties if necessary (LBR form F 7016-1.STATUS.REPORT.ATTACH). If the other parties do not cooperate in filing a joint status report, you still must file with the court a unilateral status report and the accompanying required declaration instead of a joint status report 7 days before the status conference. **The court may fine you or impose other sanctions if you do not file a status report. The court may also fine you or impose other sanctions if you fail to appear at a status conference.**

**KATHLEEN J. CAMPBELL
CLERK OF COURT**

Date of Issuance of Summons and Notice of Status Conference in Adversary Proceeding: _____

By: _____
Deputy Clerk

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

A true and correct copy (1) of the foregoing document entitled: **SUMMONS AND NOTICE OF STATUS CONFERENCE IN ADVERSARY PROCEEDING [LBR 7004-1]** and (2) the accompanying pleading(s) entitled:

will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On *(date)* _____, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On *(date)* _____, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on *(date)* _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Date

Printed Name

Signature

Thomas J. Polis, Esq. (SBN 119326)
POLIS & ASSOCIATES, APLC
19800 MacArthur Blvd., Suite 1000
Irvine, California 92612
Telephone: (949) 862-0040
Facsimile: (949) 862-0041

Counsel for Unsecured Creditors, David Pattillo and Claudia Russell

UNITED STATES BANKRUPTCY COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION

In re

Shaun D. Etchegoyen,

Debtor.

David Pattillo and Claudia Russell,

Plaintiffs,

vs.

Shaun D. Etchegoyen,

Defendant.

Case No. 8:22-bk-10960-SC

Chapter 7

Adv.Proc.No.: 8:22-ap-_____-SC

**PLAINTIFFS DAVID PATTILLO AND
CLAUDIA RUSSELL'S COMPLAINT FOR:**

**1. DETERMINE DISCHARGEABILITY OF
DEBT UNDER SECTIONS 523(a)(2),
523(a)(4) AND 523(a)(6) OF THE
BANKRUPTCY CODE**

Status Conference:

Date:

Time:

Ctrm:

U.S. Bankruptcy Court
411 W. Fourth Street
Santa Ana, CA 92701

1 Plaintiffs, David Pattillo and Claudia Russell ("Pattillo/Russell" or "Plaintiffs"),
2 unsecured creditors of the bankruptcy estate of *In re Shaun D. Etchegoyen*, Case NO. 8:22-
3 10960-SC holding an unsecured claim respectfully represent and allege with their Complaint
4 ("Complaint") as follows:

5 **STATEMENT OF JURISDICTION AND VENUE**

6 1. This Court has jurisdiction over this adversary proceeding ("Adversary
7 Proceeding") pursuant to 28 U.S.C. §§ 159 and 1134, and 11 U.S.C. §§ 523(a)(2)(A),
8 523(a)(4), 523(a)(6) of the Bankruptcy Code. This is a core proceeding under 28
9 U.S.C. §§ 157(b)(2)(I) and 157(b)(2)(J).

10 2. Venue for this Adversary Proceeding properly lies in this Judicial District in that
11 this civil proceeding arises under Title 11 of the United States Code as provided under
12 28 U.S.C. § 1409.

13 3. This Adversary Proceeding arises out of and relates to the Chapter 7 bankruptcy
14 case of *In re Shaun D. Etchegoyen*, Case No. 8:22-bk-10960-SC on the docket of this Court.
15 The Debtor's bankruptcy case was commenced by the filing of a Voluntary Petition for Relief
16 under Chapter 7 of Title 11 of the United States Bankruptcy Code, on June 9, 2022.

17 4. Plaintiffs, Pattillo/Russell are unsecured creditors of the Debtor's bankruptcy
18 estate in the amount of no less than \$200,000.00.

19 5. The Debtor/Defendant, Shaun D. Etchegoyen's mailing address as stated on
20 the Court's docket as of September 16, 2022 was:

21 220 Newport Center Drive
22 Newport Beach, CA 92660

23 **STATEMENT OF STANDING**

24 6. The Plaintiffs, as creditors of the Debtor's bankruptcy estate, has standing to
25 prosecute this Adversary Proceeding under 11 U.S.C. § 523.

26 **GENERALL ALLEGATIONS**

27 7. Plaintiffs, Pattillo/Russell are informed and believe and thereon allege the
28 following facts to justify that their claim of approximately no less than \$200,000.00, not

1 including additional attorneys' fees, against the Debtor/Defendant Shaun D. Etchegoyen be
2 deemed non-dischargeable under Sections 523 (a)(2)(A), 523 (a)(4) and/or 523(a)(6) of the
3 Bankruptcy Code.

4 **FACTUAL ALLEGATIONS**

5 8. Debtor, Shaun Etchegoyen ("Etchegoyen") held himself out to the Plaintiffs as
6 a professional licensed contractor with years of experience in high-end home remodeling.

7 9. From December 28, 2020 through and including October 1, 2021, Plaintiffs paid
8 the Debtor, Shaun Etchegoyen a total of \$100,081.75 for purported construction related
9 services arising out of the Project. All of the money came from an account jointly held by
10 Plaintiffs.

11 10. Attached as Exhibit "A" are true and correct copies of each and every check
12 paid by Plaintiffs to Debtor Etchegoyen for the Project.

13 11. However, Debtor Etchegoyen performed only a small fraction of the work for
14 which Plaintiffs paid Debtor Etchegoyen in connection with the Project. For example, Plaintiffs
15 advanced money to Debtor Etchegoyen for flooring, appliances and countertops in the amount
16 of \$33,002.00, none of which items were provided by Debtor Etchegoyen to Plaintiffs.

17 12. In mid-October of 2021, after Plaintiffs made inquiries to Debtor Etchegoyen
18 about certain items paid for yet having never been delivered, Debtor Etchegoyen abandoned
19 the Project. Plaintiffs subsequently learned that at no point from December, 2020 to the
20 present did Debtor Etchegoyen have contractor's license.

21 13. The Contractors' State License Law, Business & Professions Code § 7000 *et*
22 *seq.*, required contractors to be licensed unless they are exempt from licensure. §§ 7026,
23 7031 & 7040 *et seq.*

24 14. As stated above, Debtor Etchegoyen was unlicensed at all relevant times,
25 despite representations to Plaintiffs Pattillo/Russell to the contrary.

26 15. Attached hereto as Exhibit "B" is a true and correct copy of a citation issued by
27 the Contractors State License Board ("CSLB") against Debtor Etchegoyen on or about March
28 12, 2021 in which Debtor Etchegoyen was, among other things, assessed a civil penalty as a

1 result of the CSLB's finding that Debtor Etchegoyen was contracting without a license.

2 16. Plaintiffs Pattillo/Russell thus seek to recover all compensation they paid to
3 Debtor Etchegoyen in connection with the above-referenced home remodeling project, in the
4 amount of \$100,081.75, along with other claims as detailed in their Amended Proof of Claim,
5 which in total exceeds \$200,000.

6 17. On or about February 3, 2022, the California Superior Court for the County of
7 Orange entered a judgment in the amount of \$100,082.00 in favor of Plaintiffs, David Pattillo
8 and Claudia Russell.

9 18. Plaintiffs David Pattillo and Claudia Russell hereby allege and believe that
10 Debtor/Defendant Shaun D. Etchegoyen repeated his fraudulent business practices with many
11 of the creditors scheduled in his bankruptcy case.

12 **ON THE FIRST CAUSE OF ACTION**

13 **[11 U.S.C. § 523(a)(2)(A)]**

14 19. Plaintiffs, David Pattillo and Claudia Russell hereby allege and incorporate by
15 reference, Paragraphs 1 through 18, and all sub-parts thereto, inclusive of this Complaint, as
16 though set forth in full herein.

17 20. Pursuant to U.S.C. § 523 (a)(2)(A), the Court shall except from the Debtor's
18 discharge any debt:

19 (2) for money, property, services or an extension, renewal or
20 refinancing of credit to the extent obtained by —

21 (A) false pretenses, a false representation or actual
22 fraud, other than a statement respecting the
23 debtor's or an insiders financial condition.
(Emphasis added.)

24 21. Plaintiffs Pattillo/Russell are informed and believe and thereon allege that
25 Debtor/Defendant Shaun D. Etchegoyen obtained Plaintiffs' \$100,082 as detailed herein either
26 by false pretenses, false representations and/or actual fraud as expressly noted as a basis to
27 be excepted from the Debtor/Defendant Etchegoyen's discharge under Section 523 (a)(2)(A)
of the Bankruptcy Code.

28 ///

ON THE SECOND CAUSE OF ACTION

[11 U.S.C. § 523(a)(2)(4)]

22. Plaintiffs, David Pattillo and Claudia Russell hereby allege and incorporate by reference, Paragraphs 1 through 21, and all sub-parts thereto, inclusive of this Complaint, as though set forth in full herein.

23. Pursuant to 11 U.S.C. § 523(a)(4), the Court shall except from the Debtor's discharge any debt:

(4) for fraud or defalcation while acting in a fiduciary capacity, embezzlement, or, larceny (Emphasis added.)

24. Plaintiffs Pattillo/Russell are informed and believe and thereon allege that Debtor/Defendant Etchegoyen obtained \$100,082 from Plaintiffs by embezzlement and/or larceny and caused total damages exceeding \$200,000.

25. Plaintiffs Pattillo/Russell are informed and believe and thereon allege that all of their claims against Debtor/Defendant, Shaun D. Etchegoyen should be deemed non-dischargeable under Section 523(a)(4) of the Bankruptcy Code.

ON THE THIRD CAUSE OF ACTION

[11 U.S.C. § 523(a)(6)]

26. Plaintiffs, David Pattillo and Claudia Russell hereby allege and incorporate by reference, Paragraphs 1 through 25, and all sub-parts thereto, inclusive of this Complaint, as though set forth in full herein.

27. Pursuant to 11 U.S.C. § 523(a)(6), the Court shall except from the Debtor's discharge any debt:

(6) for willful and malicious injury by the debtor to another entity or to the property of another entity (Emphasis added.)

28. Plaintiffs Pattillo/Russell are informed and believe and thereon allege that the Debtor Shaun D. Etchegoyen, willfully, maliciously and without cause or excuse, caused substantial economic injury in an amount not less than \$200,000 as detailed herein.

///

29. Plaintiffs Pattillo/Russell are informed and believe and thereon allege that all of their claims against Debtor Shaun D. Etchegoyen should be deemed non-dischargeable under Section 523 (a)(6) of the Bankruptcy Code.

WHEREFORE, Plaintiffs, David Pattillo and Claudia Russell, pray for judgment against Debtor/Defendant Shaun D. Etchegoyen under Section 523 of the Bankruptcy Code as follows:

ON THE FIRST CAUSE OF ACTION

1. That Plaintiffs, David Pattillo and Claudia Russell's unsecured claim, in amount of no less than \$200,000 against Debtor/Defendant, Shaun D. Etchegoyen be deemed non-dischargeable under Section 523(a)(2)(A) of the Bankruptcy Code.

ON THE SECOND CAUSE OF ACTION

2. That Plaintiffs, David Pattillo and Claudia Russell's claims exceeding \$200,000 against Debtor/Defendant, Shaun D. Etchegoyen be deemed non-dischargeable under Section 523(a)(4) of the Bankruptcy Code.

ON THE THIRD CAUSE OF ACTION

3. That Plaintiffs, David Pattillo and Claudia Russell's claims exceeding \$200,000 against Debtor Shaun D. Etchegoyen should be deemed non-dischargeable under Section 523 (a)(6) of the Bankruptcy Code.

ON ALL CLAIMS RELIEF

1. For costs of suit herein, and

2. For such other and further relief as the Court deems just and proper.

Dated: September 16, 2022

POLIS & ASSOCIATES, APLC

By: /s/ Thomas J. Polis
Thomas J. Polis, Esq.
Counsel for Unsecured Creditors,
David Pattillo and Claudia Russell